APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,880	06/16/2005	Remy Cricco	032326-304	8760

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EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
02/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/534,880	CRICCO ET AL.
	Examiner	**Art Unit**	
	Michael Vu	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	5) ☐ Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

December 18, 2007 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

3.   Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Minear (US 2003/0032417) in view of Qu (US 2004/0076131), and further in view of

Ramaswamy (US 6,571,112).

       Regarding **claims 1, 11, 12, and 13**, Ritter teaches a method for loading an

application from a server (Figure #1, servers #28/#16/#30) an application [0026]

including a first part intended for a terminal (Figure #1) provided with an application

management means and a second part intended for a chip card accepted in the

terminal (Fig. 2, Download from Server #16 to Mobile phone #50),

But Minear does not clearly mention on comprising the following steps of:

supplying to the terminal a loading means for loading the second application part in the

chip card formatting in the server the second application part so that it is compatible

with a protocol for communication between the terminal and the chip card constructing

in the server an application message containing the first application part and the second

formatted application part transmitting the application message from the server to the

terminal over a single transmission channel installing in the terminal the first application

part extracted from the application message via the management means, and loading

the second application part extracted from the application message from the terminal

into the chip card according to the predetermined communication protocol under the

control of the loading means.

However, Qu teaches the techniques for performing data download to removable

module or SIM card via the mobile telephone then extract the application data from the

received mobile telephone to the removable module, and each application data to be

assigned to and identified by a specific service category identifier (Fig. 2, Abstract,

[0005, 0008, 0013, 0024]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Minear, such that constructing in the server an

application message containing the first application part and the second formatted

application part transmitting the application message from the server to the terminal

over a single transmission channel installing in the terminal the first application part

extracted from the application message via the management means, and loading the

second application part extracted from the application message from the terminal into

the chip card according to the predetermined communication protocol under the control

of the loading means, to provide the efficiently download application data via SMS in the

telecommunication systems.

But Minear and Qu do not clearly teach on and a descriptor; extracting the first

application part and the second application part from the application message based on

the descriptor;

However, Ramaswamy teaches a mobile station including a subscriber identity

module (SIM) identifying the subscriber, for example, a GSM or a non-GSM wireless

telephone, and further teach the process includes receiving a message having a

protocol identifier, transferring at least a portion of the message to the subscriber

identity module if the protocol identifier satisfied a condition, extracting information from

the at least portion to of the message at the subscriber identity module if a protocol

identified by the protocol identifier is supported by the subscriber identity module. And

The mobile station receives an encapsulating message which includes a protocol

identifier, a protocol discriminator, a subscriber identity module escape flag, and the

embedded message. The mobile station determines if the protocol discriminator is

indicative of a protocol supported by the mobile station. If the protocol discriminator is

indicative of a protocol supported by the mobile station, the mobile station determines if

the protocol identifier identifies a predetermined protocol. If the protocol identifier identifies the predetermined protocol, the mobile station determines if the subscriber identity module escape flag indicates a desire to transfer the encapsulating message to the subscriber identity module. If the subscriber identity module escape flag does not indicate a desire to transfer the encapsulating message to the subscriber identity module, the mobile station extracts and processes the embedded message (See Col. 1, line 42 through Col. 2, line 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Minear/Qu, such that extracting the first application part and the second application part from the application message based on the descriptor, to provide the delivering message services by using different protocols in which operating in a different wireless technologies such as GSM or Non-GSM that identified by subscriber identity module or SIM card.

Regarding **claim 2**, Minear/Qu/Ramaswamy teach a method according to claim 1, wherein the descriptor of the application includes at least one identifier of the second application part, and the management means analyzes the descriptor in the application message received by the terminal so that the second application part is extracted from the application message according to the identifier in the analyzed descriptor (Col. 1, line 42 through Col. 2, line 30) of Ramaswamy.

Regarding **claim 3**, Minear/Qu/Ramaswamy teach a method according to claim 1, wherein the loading means is installed in advance in the form of a software module in the terminal (Col. 1, line 42 through Col. 2, line 30) of Ramaswamy.

Regarding **claim 4**, Minear/Qu/Ramaswamy teach a method according to claim 1, further comprising the steps of introducing the loading means in the form of a script during the construction of the application message to be transmitted from the server to the terminal and installing the of the loading means by extraction of the script in the application message received by the terminal before the loading of the second application part (Col. 2, line 65 through Col. 5, line 40) of Ramaswamy.

Regarding **claim 5**, Minear/Qu/Ramaswamy teach a method according to claim 1, further comprising the steps of introducing of an address of a loading script during the construction of the application message to be transmitted from the server to the terminal, installing of the loading means by extraction of the script address in the application message received by the terminal, and a downloading of the script from the extracted address in the terminal before loading the second application part (Col. 1, line 42 through Col. 2, line 30) of Ramaswamy.

Regarding **claim 6**, Minear/Qu/Ramaswamy teach a method according to claim 1, further comprising, after the step of loading the second application part, the step of deleting the second application part in the terminal (Col. 1, line 42 through Col. 2, line 30) of Ramaswamy.

Regarding **claim 7**, Minear/Qu/Ramaswamy teach a method according to claim 1, further comprising, after the step of loading the second application part, the step of transmitting an acknowledgement message from the terminal to the server as soon as the management means has finished loading of the second application in the chip card (Col. 2, line 65 through Col. 5, line 40) of Ramaswamy.

Regarding **claim 8**, Minear/Qu/Ramaswamy teach a method according to claim 1, wherein the second application part is segmented into protocol units which are in accordance with the communication protocol and which are loaded successively in the chip card under the control of the loading means, and further including the step of transmitting from the chip card an acknowledgement response after the loading of each protocol unit (Col. 2, line 65 through Col. 5, line 40) of Ramaswamy.

Regarding **claim 9**, Minear/Qu/Ramaswamy teach a method according to claim 1, wherein the first and second application parts are written in high-level languages and are converted into an intermediate language that can be interpreted respectively by virtual execution means respectively implemented in the terminal and the chip card [0026-0028] of Minear.

Regarding **claim 10**, Minear/Qu/Ramaswamy teach a method according to claim 1, wherein the terminal is a mobile radiotelephone terminal [0026-0028] of Minear.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu

Examiner

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER